

**In The Matter Of:**

*Hutchison v.  
Texas County*

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*Seth Walker  
May 26, 2010*

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1 probably four years as a supervisor.  
2 Q. Okay. Are you aware of any occasions when  
3 Mike Hood responded to calls placed by  
4 Monica Daniel seeking assistance?  
5 A. I didn't see it. I've heard about it.  
6 Q. You are aware of an occasion when he was  
7 called to her house?  
8 A. I've heard about it.  
9 Q. What did you hear?  
10 A. I heard that she called them because  
11 Mike Anderson was over there knocking on the  
12 door or something like that. And I guess he  
13 went over there and Mike Anderson was  
14 already gone or something of that nature.  
15 Q. Okay. Did you ever discuss that incident  
16 where Mr. Anderson went over to  
17 Monica Daniel's house and knocked on the  
18 door, did you ever discuss that incident  
19 with Monica Daniel?  
20 A. No.  
21 Q. Do you know who Millie Williams is?  
22 A. I've heard the name Millie. Maybe if I seen  
23 her face.  
24 Q. Okay. And I understand that you haven't  
25 been employed in Licking for a while so your

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1 recollection of local policies and  
2 procedures might not be --  
3 A. Right. I didn't pay a whole lot of  
4 attention to them when I was there.  
5 Q. Fair enough. If you receive -- was it  
6 standard practice in the Licking Police  
7 Department received a call that someone was  
8 intoxicated and in a vehicle, was it  
9 standard procedure if that person was  
10 present when a car arrived to do some type  
11 of a field sobriety check or determine  
12 whether that driver was impaired?  
13 A. Well, it would depend. I don't believe  
14 there's any set policy.  
15 Q. Okay.  
16 A. That would depend on if you have enough of a  
17 driving case for criminal prosecution.  
18 Q. Okay.  
19 A. Or the circumstances. In that small little  
20 town there's one officer who works a shift  
21 at a time and if there's a million things  
22 going on at once or if you're on -- if you  
23 get called to something like that and  
24 another call comes up, you may leave. As  
25 far as in the normal flow of things, yes, I

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1 would.  
2 Q. Okay. And that would -- assuming that there  
3 wasn't another more pressing call --  
4 A. Yeah, absolutely.  
5 Q. -- that required your attention, it was the  
6 practice --  
7 A. Are you saying if the person was in the  
8 vehicle?  
9 Q. Right.  
10 A. Oh, yeah, absolutely.  
11 MR. GAUNT: Absolutely, I'm not sure  
12 that answer's clear.  
13 A. You asked if you received a call that a  
14 person was intoxicated and you said that a  
15 location --  
16 Q. (By Mr. Franklin) Right, at a location and  
17 you drove up and saw that person in the  
18 vehicle or attempting to get into the  
19 vehicle.  
20 A. Oh, yes. Absolutely.  
21 Q. Okay. So you would ask to conduct some type  
22 of field sobriety test and that's just  
23 general best practice; right?  
24 A. Absolutely.  
25 Q. Okay. Now, would that operating procedure

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1 be different if you just got a call hearing  
2 that someone was being obnoxious as opposed  
3 to someone that was visibly inebriated?  
4 A. Yes.  
5 Q. Okay. So if someone was just being  
6 obnoxious, you wouldn't necessarily?  
7 A. Yeah. I mean, you'd still respond --  
8 Q. Right.  
9 A. -- of course, but I mean, if you didn't have  
10 any signs that they were intoxicated, then  
11 you wouldn't have any reason to do field  
12 sobriety.  
13 Q. Right. And then the kind of the last  
14 follow-up would be notwithstanding the  
15 nature of the report, if you drove to a  
16 scene and saw someone stumbling out to their  
17 car and acting in an erratic fashion, that  
18 would be an appropriate time to conduct a  
19 field sobriety examination?  
20 A. Yeah. Probably at that point if they were  
21 walking out to a vehicle it wouldn't be a  
22 situation probably an arrest but more like,  
23 you're not going to drive.  
24 Q. Right.  
25 A. Type scenario.

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1 A. I know that I've never talked to Mike Hood  
2 about it or that I can remember, anyway. At  
3 that time I wasn't his supervisor I don't  
4 believe.  
5 Q. If Mr. Anderson was -- I'm asking you to  
6 assume this for purposes of this question.  
7 If Mr. Anderson was suspected of being  
8 intoxicated at the time of this phone call  
9 and the phone caller reported that he was  
10 outside of her house drunk and a Licking  
11 Police Officer responded to the scene as  
12 requested, it would be a breach of standard  
13 procedure to just let Mr. Anderson drive off  
14 if he was still at the house or in his  
15 vehicle when the officer arrived; correct?  
16 A. Yes.  
17 Q. Should have done a field sobriety test if he  
18 was in the car?  
19 A. I would have. I mean, you know, that's a  
20 very broad statement that an officer while  
21 he's on patrol by himself can observe things  
22 in a lot different ways and the facts are  
23 presented and, of course, you're always  
24 worried about getting sued from a hundred  
25 different angles, no matter whether it's the

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1 county prosecutor there or if it's anybody  
2 else. So, I mean, to say that there's a  
3 standard operating procedure for that  
4 scenario, there's not. But just in those  
5 facts if you drive by and you see somebody  
6 who appears to be intoxicated, at that point  
7 you don't have a right to arrest them but,  
8 you know, contact them just for well being  
9 of that person.  
10 Q. And let me make my hypothetical a little bit  
11 clearer. I'm assuming in my hypothetical  
12 that in the call for assistance the person  
13 calling indicated that they believe this  
14 person was intoxicated.  
15 A. Yeah. I mean, at any time if I received a  
16 call for assistance basically trespass or  
17 harassment whatever scenario, yeah, I would  
18 contact the people.  
19 Q. And if Mr. Anderson was still in his vehicle  
20 under these circumstances and you didn't do  
21 the field sobriety test, would you follow  
22 him to observe his driving?  
23 A. If he was parked?  
24 Q. You'd gotten this call, you show up --  
25 A. If he's driving down the road?

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1 Q. Yeah.  
2 A. Yeah. I mean, at that point I think --  
3 Q. Make sure that he was okay to drive; right?  
4 A. Well, if I'd received a call of that, then I  
5 would probably go ahead and stop him no  
6 matter whether he was going to drive or not.  
7 Q. But if you didn't stop, the next best thing  
8 would be to follow him for a bit to make  
9 sure he was good to drive; right?  
10 A. Yeah, I suppose. I can't imagine a scenario  
11 where you wouldn't stop him to investigate  
12 the complaint but...  
13 Q. Okay. That's kind of hard for you to  
14 imagine that --  
15 A. Yeah.  
16 Q. -- they wouldn't stop him and do a field  
17 sobriety test? Okay. Have you ever known  
18 Mike Anderson to drink to the point of  
19 intoxication?  
20 A. I've seen Mr. Anderson what I would believe  
21 intoxicated probably on two different  
22 occasions.  
23 Q. Tell me about those occasions. When and  
24 where?  
25 A. When I don't know. One time was in deer

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1 season. It was at a deer camp cookout-type  
2 thing. I think he was intoxicated then.  
3 Another time was in the summertime and it  
4 was at Boiling Springs at a river access.  
5 There was a little gathering there.  
6 Q. That's the only times that you're aware of?  
7 A. Yeah. Whenever I was an officer in Licking  
8 I seen his vehicle at a lot of the -- I  
9 think there was two at that time, two of the  
10 bars in town.  
11 Q. You saw his vehicle frequently at the bars  
12 when you were on patrol?  
13 A. I wouldn't say frequently. Sometimes.  
14 Q. How often are we talking about by sometimes?  
15 A. That I couldn't say with certainty.  
16 Q. Couple times a month?  
17 A. No, no. Probably the entire time I worked  
18 there probably four to five times.  
19 Q. Okay. And those two bars would be what?  
20 Sheila's Bar would be one of them?  
21 A. Sheila's Bar which is outside of town so I  
22 didn't patrol that area, but the other one,  
23 I think it's called --  
24 Q. The Outback?  
25 A. Yeah, Outback. And the reason why that

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1 stood out to me I just remember driving by,  
2 which there's roads all the way around it,  
3 because I remember seeing -- I think at that  
4 time he drove an Explorer. I don't know  
5 what he drives now. I remember thinking  
6 looks real good, the prosecutor's here.  
7 Q. And that was at the Outback when you seen  
8 him because that was on your patrol?  
9 A. Uh-huh.  
10 Q. You don't know how often --  
11 A. One other time one of the people, I think it  
12 was at Sheila's Bar had -- it was later in  
13 the week that they said some type of  
14 story about him having a wreck in the  
15 parking lot as he left or something like  
16 that.  
17 Q. You heard from somebody that Mr. Anderson  
18 was intoxicated and got in a wreck at  
19 Sheila's Bar?  
20 A. Yeah.  
21 Q. Do you know who told you that?  
22 A. No, I don't have a clue.  
23 Q. Do you recall when you were told that you  
24 were still at the police department?  
25 A. Yeah.

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1 Q. Do you recall if it was before or after he  
2 filed his lawsuit against Monica and Millie?  
3 A. I would to say it was before but I don't  
4 know for certain.  
5 Q. Okay.  
6 A. That was in 2005?  
7 Q. He filed his lawsuit in May of 2006,  
8 May 31st, 2006. The incident at the house  
9 was December of 2005, December 18th.  
10 A. Yeah. I don't know.  
11 Q. Okay. Now, Sheila's Bar is outside your  
12 town and not a place that you drove by on  
13 your patrol regularly; is that correct?  
14 A. Not regularly. I did sometimes.  
15 Q. And you can just testify as to what you saw  
16 when you were going by on your patrol. You  
17 don't know if he was there other times when  
18 you weren't on patrol or other times at  
19 Sheila's Bar when nobody was patrolling out  
20 there?  
21 A. And I should probably specify. I didn't run  
22 his license plates, I didn't see him, I  
23 couldn't swear that it was him. I should  
24 say it was a vehicle that looked very  
25 similar to his.

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1 MR. GAUNT: Okay. I have no further  
2 questions.  
3 MR. HARRIS: Mr. Walker, I've got just a  
4 few follow-ups.  
5 EXAMINATION  
6 BY MR. HARRIS:  
7 Q. Your encounter with Ms. Daniel, you said you  
8 believed it was after she left the  
9 prosecuting attorney's office?  
10 A. Yes.  
11 Q. Do you recall how long after it would have  
12 been?  
13 A. I want to say -- I remember it was warm  
14 outside but --  
15 Q. Okay.  
16 A. -- I don't know for certain.  
17 Q. So it's your recollection that it was at  
18 least warm out?  
19 A. Yeah.  
20 Q. Okay.  
21 A. I drank a lot then.  
22 Q. I understand. And you say you don't recall  
23 who told you about the incident at Monica's  
24 house with Mr. Anderson?  
25 A. I can't remember if I read that somewhere or

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1 if somebody told me about it.  
2 Q. All right. And as I understand it there was  
3 a period of time you were Mike Hood's  
4 supervisor?  
5 A. Yes.  
6 Q. Was he a good officer?  
7 A. He showed up at work on time. He was always  
8 there.  
9 Q. Did you have a protocol in place if one of  
10 the officers that was on duty -- as you said  
11 the officers were on duty solely one officer  
12 at a time; is that right?  
13 A. Most of the time. Early on whenever I  
14 worked there at some point there would be  
15 two officers on kind of overlapping shifts  
16 in the evening.  
17 Q. How big is Licking?  
18 A. It's tiny.  
19 Q. You got any idea what the population is?  
20 A. I think that the sign says somewhere around  
21 3,000, but that's counting the population of  
22 the Department of Corrections so I want to  
23 say it's like a thousand people.  
24 Q. All right. With regard to your time when  
25 you were at the City of Licking as an

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1 officer, were you intimidated by  
2 Mike Anderson?  
3 A. One time I thought he said something kind of  
4 strange to me and I remember it was at the  
5 Licking rodeo. And I don't remember what  
6 year it was. I remember Danny was still  
7 employed there, but I had applied for the  
8 highway patrol at that point. And  
9 Mike Anderson walked by and said hello and  
10 we were always professional at that point,  
11 still are now. And he said, "I heard you  
12 applied for the highway patrol." I said  
13 yes. And he said, "Huh" and kind of had a  
14 strange look at on his face and said, "Good  
15 luck with that."  
16 Q. You just took it as kind of strange?  
17 A. Yeah. I thought it was really strange.  
18 Q. Well, let me ask you this: The reason I ask  
19 the question, when you were a Licking Police  
20 Officer, if you'd seen Mike Anderson driving  
21 intoxicated, would you have any hesitation  
22 to arrest him?  
23 A. Yes.  
24 Q. You would have had hesitation to arrest him?  
25 A. Absolutely.

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1 Q. Why?  
2 A. Because he's the county prosecutor.  
3 Q. What would you have done?  
4 A. It's hard to say in that scenario. I guess  
5 it would just be -- I mean, I know my duty  
6 would be to arrest him and I'm not saying  
7 that I wouldn't. Would I have hesitation?  
8 Absolutely. You catch enough shit off  
9 arresting some moron that whenever you  
10 arrest an attorney, and not just an attorney  
11 but a prosecutor, oh, yeah, it's not going  
12 to be a fun day. It puts you in a real bad  
13 spot.  
14 Q. As a Licking Police Officer did you have the  
15 ability to call for assistance from either  
16 the sheriff's department or the highway  
17 patrol?  
18 A. Oh, you could call. They're not -- under  
19 normal circumstances there's not going to be  
20 anybody there for 15 minutes.  
21 Q. Did you ever have any encounter with  
22 Mr. Anderson while you were on duty as an  
23 officer of Licking?  
24 A. No. Other than court, no. I mean -- when I  
25 say on duty in court we were paid to be

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1 there.  
2 Q. No, I understand that. I'm just saying you  
3 never had a situation where you had to stop  
4 him or anything like that?  
5 A. No.  
6 Q. If you as an officer for the City of Licking  
7 had received a report that Mike Anderson was  
8 threatening somebody, would you have taken  
9 action on that or would you have --  
10 A. Yeah.  
11 Q. Mr. Gaunt read to you some these allegations  
12 out of the petition and he used the one  
13 about a swinger style sex ring. In your  
14 opinion what does that mean?  
15 A. Well, I guess Monica and Millie conspiring  
16 to have multiple couples engage in sex  
17 trading partners type of thing.  
18 Q. Okay. On this occasion you were talking  
19 about with them about where you and Danny  
20 and the other woman and Monica went to  
21 Rolla, were you drinking on that occasion as  
22 well?  
23 A. Oh, I'm sure I was. I don't remember  
24 specifically but...  
25 Q. Do you have a recollection of mooning one of

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1 the other officers for the City of the  
2 Licking on that occasion?  
3 A. Yeah. Yeah, I do.  
4 Q. Did you do that?  
5 A. Yes.  
6 Q. All right.  
7 A. Several times. He was deaf or he couldn't  
8 hear really well so he was parked on a  
9 parking lot reading a newspaper and we  
10 stopped in front of, him honked the horn  
11 and -- yeah. He never realized we were  
12 there.  
13 Q. Did he ever stop you at any time that  
14 evening?  
15 A. Stopped us? Not that I remember.  
16 Q. Okay.  
17 A. I don't think so.  
18 Q. Do you recall the name of that officer?  
19 A. Ryan Anderson.  
20 MR. GAUNT: Ryan or Brian?  
21 THE WITNESS: Ryan.  
22 MR. HARRIS: Okay. I think that's all  
23 the questions I have for you, sir.  
24 MR. FRANKLIN: I just have a couple real  
25 short follow-ups.